

CHAPTER 14

BUILDING CODE

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14.01 PURPOSE. The purpose of this Ordinance is to promote the general health, safety and welfare of Village residents, to protect property values, and to promote the uniformity of construction standards by enforcing the adopted codes.

14.02 ADOPTION OF CODES BY REFERENCE. (1) The Uniform Dwelling Code, Wisconsin Administrative Code Chapters SPS 320 to 325, and all amendments thereto are adopted and incorporated in this Chapter by reference and shall apply to all buildings within the scope of this Chapter. A copy of the Code is available online and is on file with the Village Building Inspector.

(2) Adoption of Plumbing, Electrical Codes, and Heating and Ventilating Codes. Chapters SPS 381 to 387, Plumbing Code, Wisconsin Administrative Code, Chapter SPS 316, Electrical Code, Wisconsin Administrative Code, Chapters SPS 360 to 366 of the Wisconsin Administrative Code (Wisconsin Commercial Building Code), and Chapters SPS 375 to 379 of the Wisconsin Administrative Code, and all amendments thereto, are hereby adopted and made part of this Chapter by reference and are applicable to all those classes of buildings to which said Codes apply. Copies of said Codes are available online and in the office of the Village Building Inspector.

14.03 SCOPE AND VARIANCE. (1) This Chapter shall apply to all new construction and the alteration of one and two-family dwellings.

(2) Notwithstanding SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one and two-family dwellings constructed before June 1, 1980.

(3) Variance. Petitions for variance with respect to construction and alterations from and after June 1, 1980, are governed by the provisions of SPS 320.19. A petition for a variance with respect to alterations or additions to one and two-family dwellings constructed before June 1, 1980, shall be made to the Village Board and the determination made in the same manner as they would be by the Department under SPS 320.19.

14.04 BUILDING INSPECTOR. (1) There is hereby created the position of Building Inspector, who shall administer and enforce this Chapter and who shall be certified by the Wisconsin Department of Safety and Professional Services as specified by Wisconsin Administrative Code 101.66(2). The Building Inspector and any other assistant or deputy inspectors designated by the Building Inspector shall possess the Wisconsin certification

categories of UDC HVAC, UDC Electric, UDC Plumbing, UDC Construction, and Commercial Building Inspector.

(2) The Building Inspector shall have the power and duty to confirm that the construction, reconstruction, alteration, addition and razing of dwellings and Commercial buildings in the Village conform to the laws of the State of Wisconsin, the orders, rules and regulations established by the Department of Safety and Professional Services of the State of Wisconsin and of the Village Building Code, and to make all inspections as required.

14.05 BUILDING PERMIT REQUIRED. No person shall build or cause to be built any new one or two-family dwelling or commercial building, or any addition or alteration to an existing one or two-family dwelling, commercial building or swimming pool without first obtaining a state uniform Building Permit or a Village Building Permit for such dwelling, structure, accessory or outbuilding, commercial building, etc., as determined by the Building Inspector.

14.06 APPLICATION PROCESS; ISSUANCE OF PERMIT.

- (1) Application for a Building Permit shall be made in writing upon a form furnished by the Building Inspector. The appropriate building requirements of the Village and, where applicable, the State for the contemplated improvement shall be made available to the permit applicant by the Building Inspector upon request.
- (2) Plans and drawings. The Building Permit applicant shall submit with the application two complete sets of site plans and specifications, one set of blueprints and an erosion control plan.
- (3) Driveway permits. The Building Permit applicant shall submit with the application a driveway permit where required. The State DOT issues permit on State roads.
- (4) Approval of plans and issuance of Building Permit. If the Building Inspector determines that the proposed building, addition or alteration will comply in every respect with this Chapter and all other applicable laws and regulations of the Village and the State of Wisconsin, and is not in violation of the Village Subdivision Ordinance (Chapter 45) or any applicable Village Code or Ordinance provision, the Building

Inspector shall conditionally approve the plans and Issue a Building Permit which shall be valid for 24 months. One copy of the approved plan shall be returned to the applicant. The Village or Building Inspector shall retain on copy. After approval, the plans and specifications shall not be altered in any respect governed by this Chapter or the above-mentioned laws or regulations, or which involves the safety of the building or occupants, without first obtaining an amended Building Permit.

- (5) State Uniform Dwelling Code Seal. The Building Permit for one or two-family dwellings shall have affixed to it a State of Wisconsin Uniform Dwelling Code seal.
- (6) Fees. Fees shall be submitted to the Building Inspector at the time the application is filed. Fees for plan examination, inspection, driveway permit, culvert, house number, variance application and issuance of the Building Permit shall be set from time to time by the Village Board.
- (7) Waiver of plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, the filing of plans for alterations or repairs may be waived provided that the cost of such work does not exceed \$2500.

14.07 SWIMMING POOLS. (1) A permit shall be required for pools with a capacity of 5000 gallons or more.

(2) The application for a building permit for a swimming pool shall show

- (A) The type and size of the pool.
- (B) A site plan, to include:
 - (1) Location of the pool.
 - (2) Location of the house, garage, fencing, well, drain field and septic tank on the lot.
 - (3) Location of filter unit, pump and wiring (involving location)
 - (4) Location of back-flush and drainage outlets.
 - (5) Grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool.
 - (6) Location of existing overhead or underground wiring, utility easements, trees and similar features.

- (3) In one family and two-family districts:
- (A) Pools for which a permit is required shall not be located within 25 feet of any side or rear lot line nor within 25 feet of any principal structure or frost footing. Pools shall not be located within any required front yard or within 15 feet of a septic tank or 25 feet of the well.
 - (B) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
 - (C) Pools shall not be located in an alternate septic field/drain field site.
 - (D) Pools shall not be located in or on any easement of any private or public utility, walkway, drainage area or other easement.
 - (E) For in-ground pools, due precautions shall be taken during the construction period to:
 - (1) Avoid damage, hazards or inconvenience to adjacent or nearby property.
 - (2) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringement onto adjacent property.
 - (F) To the extent feasible, back-flush water or water from pool drainage shall be discharged on the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land without the written permission of the adjacent owner.
 - (G) The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least 30 feet from any adjacent or nearby residential structure or shall be enclosed in a sound-restrictive enclosure not closer than 25 feet to any lot line.
 - (H) Lighting for the pool shall be directed into or onto the pool and not onto adjacent property.
 - (I) A nonclimbable safety barrier of at least six feet in height shall completely enclose the pool.
 - (J) Water in the pool shall be maintained in a manner suitable to avoid hazards.
 - (k) All wiring, lighting, installation of heating unit, grading, and installation of pipes and all other installations and construction

shall be subject to inspection by the Building Inspector.

- (L) Required safety fencing shall be installed immediately upon completing the pool construction.
- (M) There shall be no nuisances created by virtue Of the pool, including but not limited to Undue noise, light spilling onto adjacent property, health and safety hazards, and damage to nearby vegetation.
- (N) Drainage of pools into public streets or Other public drainage ways shall require permission of the Village Public Works Director.

14.08 EXCEPTIONS. (1) Minor repairs or alterations which cost less than \$2500 and which do not change occupancy area, structural strength, fire protection, exits, natural light or ventilation do not require a permit. Repairs or alterations that change any one of the above items require a permit. Repairs and alterations which cost more than \$2500 require a permit. "Cost" refers to the fair market value of construction labor plus materials, not actual cost incurred.

(2) No permit is necessary for accessory structures under 144 square feet; replacement or repair of roofing or siding; replacement of doors and windows of same size; or carpeting, tile or other floor covering; or kitchen cabinetry.

(3) No permit is necessary for landscaping, not including decks.

14.09 DISAPPROVAL OF PLANS AND DENIAL OF PERMIT. (1) If the Building Inspector determines that the Building Permit application or plans do not conform to the provisions of this Chapter and applicable Codes or Ordinances, or other requirements, approval shall be denied.

(2) Denial of application. A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant and/or the owner as specified on the application.

(3) Stamping of plans. Plans and specifications, which do not substantially conform to the provisions of the Building Code, shall be stamped "Not approved." One copy shall be returned to the applicant and one copy retained by the Village.

- (4) Appeals. The applicant may appeal a denial of an application to the Village Board by filing a Notice of Appeal and requesting a hearing thereon within 28 days of denial.

14.10 TIME LIMIT FOR ACTION ON APPLICATION; POSTING OF PERMIT.

(1) Time for permit issuance. Action to approve or deny a Building Permit application shall be completed within 10 business days of receipt of all of the forms, fees, plans and documents required processing the application.

(2) Posting of permit. The Building Permit and all other permits required by the Village, County, State shall be posted in a conspicuous place at the building site and within view of the adjacent roadway.

14.11 COMPLIANCE WITH PERMIT. All construction must comply with the Building Permit and the plans submitted with the Building Permit application. Any construction that is not authorized by the Building Permit as described in the blueprint, site plan, or plans, or is not listed on the Building Permit application, shall be deemed a violation of the Permit W.A shall subject the Owner and Applicant to the penalties established in this Chapter.

14.12 REVOCATION OF PERMIT (1) If the Building Inspector at any time determines that the provisions of this Chapter are not being complied with and that the holder of the permit, applicant, owner or contractor refuses to conform after a written warning or instruction has been issued, the Building Inspector shall revoke the Building Permit by written notice posted at the site of the work. The written warning or instruction shall contain a deadline by which the permit holder, owner, and/or contractor must conform to the warning or instruction.

(2) When any permit is revoked, no further work shall be done until the permit is reissued, except such work as the Building Inspector may order as a condition precedent to the re-issuance of the permit or as he may require for the preservation of human life and safety.

14.13 LAPSE OF PERMIT A Building Permit shall lapse and be void unless construction under the permit is commenced within six months from the date of issuance thereof. The building permit shall lapse and be void if the Permit purpose has not been fully completed within 24 months from the date of issuance of the

permit. When a permit has lapsed, no further work shall be performed until such time as a new Building Permit has been issued.

14.14 INSPECTIONS. (1) All inspections for the purpose of administering and enforcing the UDC and Village Building Code ordinance shall be performed by a certified inspector who shall conduct inspections according to the respective Codes being applied and enforced.

(2) Notification. The builder (contractor, owner or permit holder as the case may be) shall give the Building Inspector for all inspections required by the Uniform Dwelling Code and the Commercial Building Code, notification under the guidelines set forth in SPS 320.10 (b) 3, SPS 320.10 (3) (h) 2, and SPS 361.41 (1) .

(3) Witness to inspection. It is recommended that a representative of the developer, contractor, builder or owner be present at each required inspection. It shall be the responsibility of the developer, contractor, builder or owner to coordinate inspection times and dates with the Building Inspector.

(4) Re-inspections. Any re-inspections necessary due to incomplete work or non-complying conditions shall be subject to an additional fee per inspection to be paid in full prior to the issuance of the occupancy permit.

14.15 ENFORCEMENT; RIGHT OF ENTRY. (1) Except where otherwise provided in this Chapter, the Building Inspector shall have the general management and control of all matters pertaining to building inspection and shall enforce all State laws, this Chapter, and all other Village Ordinances and Code provisions, as well as all lawful orders, relating to the construction, alteration, repair, removal and safety of buildings and other structures, dwellings, public buildings and places of employment in the Village.

(2) The Building Inspector shall have the power and authority, at all reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspection and to require the production of the permit for any building work being done or the required license. No person shall interfere with or refuse to permit access to any such premises to the above described representatives of the Village while in the performance of their duties. Any person who shall willfully or knowingly resist or obstruct the inspector in the performance of his duty

shall be guilty of a violation of this Chapter.

14.16 RECORDS AND REPORTS. (1) The Building Inspector shall maintain a record of all permits issued, which shall be kept on file.

(2) The Building Inspector shall make a monthly and annual written report to the Village Board of all permits issued, violations noted and fees collected.

14.17 OCCUPANCY PERMITS. The Building Inspector shall issue occupancy permits after all inspections shall have been satisfactorily completed, all required fees shall have been paid and all required terms of the Building Code shall have been met before an occupancy permit will be issued.

(1) No single-family or multiple-family dwelling or commercial building may be occupied by any person or party until an occupancy permit has been issued.

(2) Where any building is occupied by any person or party prior to issuance of an occupancy permit the owner and/or occupant shall pay the minimum penalty imposed under Section 14.19(2) (A) for each day of occupancy without a permit, and no occupancy permit shall be issued until such penalty has been paid.

14.18 NON-LIABILITY OF VILLAGE. This Chapter shall not be construed as creating or assuming any liability on the part of the Village or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment or in connection with any plumbing or electric wiring or equipment.

14.19 FEES; VIOLATIONS AND PENALTIES. (1) Fees. The Building Permit fees shall be established from time to time by the Building Inspector, approved by the Village Board. They shall include the UDC permit seal fee (currently \$35.00) to be forwarded to the Wisconsin Department of Safety & Buildings for the UDC permit seal required to be assigned to any new dwelling.

(2) Penalties.

- (A) The Building Permit fee will be doubled if construction commences prior to issuance of a Permit and a Permit is issued.
- (B) The enforcement of this Chapter and all other laws and ordinances relating to the building may be by means of the withholding of Building

Permits, imposition of forfeitures and/or injunctive action. Any person, firm or corporation violating any provision of this Chapter shall, upon conviction, forfeit not less than \$100 nor more than \$500 plus the costs of prosecution. Each day a violation continues shall constitute a separate violation.

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